

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	No. 3:09-00036
)	Chief Judge Haynes
v.)	
)	
JAMES J. LANG,)	
)	
Defendant.)	

O R D E R

On September 17, 2010, Defendant James J. Lang pled guilty to 18 U.S.C. § 2252A(a)(5)(B), possession of child pornography. The Court originally set the sentence hearing in this action for December 17, 2010. (Docket Entry No. 59). On November 18, 2010, Defendant filed a motion to continue the sentencing hearing (Docket Entry No. 61) on the basis that Defendant's counsel was scheduled to begin a multi-defendant criminal trial on December 14, 2010. The Court granted Defendant's motion and reset the sentencing hearing for January 7, 2011. (Docket Entry No. 62).

On December 16, 2010, Defendant filed a second motion to continue the sentencing hearing (Docket Entry No. 63) that was unopposed by the Government so that Defense counsel could have additional time to research whether a restitution award to a victim depicted in one of the images possessed by Defendant would be appropriate in this action. Defense counsel requested a hearing date after February 7, 2011, citing as grounds that defense counsel had a criminal trial set before this Court for January 25, 2011 that was expected to last more than one week and to allow Defendant's family members residing outside of Tennessee adequate time to make travel arrangements to appear at Defendant's sentencing. The Court granted Defendant's motion, and the sentencing hearing was

reset for April 29, 2011. (Docket Entry Nos. 64 and 67). On April 25, 2011, Defendant filed a third motion to continue the sentencing hearing (Docket Entry No. 68), citing the death of defense counsel's son on April 17, 2011. The Court granted the motion, and the sentencing hearing was reset for August 5, 2011. (Docket Entry Nos. 69 and 70).

On August 1, 2011, the Government filed a motion to continue the sentencing hearing that was unopposed by Defendant, citing that counsel for the Government would be out of town on a family related matter. (Docket Entry No. 73). The Court granted the motion, and the sentencing hearing was reset for September 19, 2011. (Docket Entry No. 74). On September 16, 2011, the Government filed a second motion to continue the sentencing hearing, citing that Government counsel was out of town during the week of September 12, 2011, and needed more time to prepare and file its sentencing memorandum. (Docket Entry No. 76). The unopposed motion was granted. (Docket Entry No. 77).

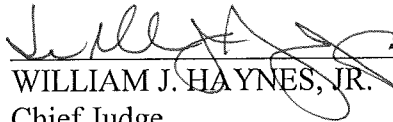
On July 23, 2012, the Government filed a motion to set sentencing hearing, and this action was set for a sentencing hearing for August 31, 2012. (Docket Entry Nos. 78 and 79). On August 9, 2012, Defendant filed a motion to continue sentencing hearing, citing that defense counsel and his family were moving residences on August 31, 2012. (Docket Entry No. 80). The Court granted the unopposed motion, and the sentencing hearing was reset for September 7, 2012. (Docket Entry No. 81). On September 6, 2012, the Government filed a motion to continue sentencing (Docket Entry No. 86) on the basis of Government counsel experiencing a family emergency. The motion was granted, and the Court reset the sentencing hearing for October 26, 2012. (Docket Entry No. 87).

On October 26, 2012, Defendant filed a motion to continue sentencing hearing (Docket Entry No. 91), stating that on October 25, 2012, the Government filed a 15-page response to Defendant's motion for a mitigated sentence and variance below the sentencing guidelines (Docket Entry 72) and that defense counsel would need time to read and distinguish the many cases cited by the Government and to review the factual assertions contained in the Government's pleading with Defendant. This motion was granted. (Docket Entry No. 93).

The sentencing in this action is reset for **Friday, November 16, 2012, at 10:00 a.m.**

It is so **ORDERED**.

ENTERED this the 5th day of November, 2012.



WILLIAM J. HAYNES, JR.
Chief Judge
United States District Court